



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
<http://www.epa.gov/region08>

Ref: 8ENF-W

AUG 31 2005

CERTIFIED MAIL 7003 2260 0001 7791 5756  
RETURN RECEIPT REQUESTED

Lippa Pannu, Registered Agent  
Sandy Crossing Enterprises, Inc.  
#4 Highway 28  
Farson, WY 82932

CERTIFIED MAIL 7003 2260 0001 7791 5763  
RETURN RECEIPT REQUESTED

Mani Grewal, Director  
Sandy Crossing Enterprises, Inc.  
POB 239  
Farson, WY 82932

Re: Complaint and Notice of  
Opportunity for Hearing  
Docket No. SDWA-08-2005-0050

Dear Ms. Pannu and Mr. Grewal:

Enclosed is an administrative "Complaint and Notice of Opportunity for Hearing" ("complaint") filed against Sandy Crossing Enterprises, Inc. and Mani Grewal regarding the Sandy Crossing public water system, under section 1414 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3. The U.S. Environmental Protection Agency (EPA) alleges in the complaint that you have failed to comply with two Administrative Orders, Docket Numbers SDWA-08-2003-0070, issued September 29, 2003, and Docket No. SDWA-08-2004-0049, issued September 20, 2004, under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g). The violations are specifically set out in the complaint.

By law, you have the right to request a hearing regarding on the matters set forth in the complaint. Please pay particular attention to those parts of the complaint entitled "Opportunity to Request a Hearing" and "Failure to File an Answer." If you do not respond to this complaint within 30 days of receipt, a default order may be entered and the proposed civil penalty may be assessed without further proceedings. In your answer you may request a hearing. You have the right to be represented by an attorney at any stage of these proceedings.



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Whether or not you request a hearing, you may confer informally with EPA concerning the alleged violations or the amount of the proposed penalty. You may appear at the conference and/or be represented by counsel.

EPA encourages all parties against whom it files a complaint proposing assessment of a penalty to pursue the possibilities of settlement through an informal conference. Any such settlement shall be finalized by the issuance of a final order by the Regional Judicial Officer, EPA Region 8. The issuance of a final order shall constitute a waiver of your right to request a hearing on any matter to which it has stipulated therein.

A request for an informal conference does not extend the 30-day period during which you must submit a written answer and a request for a hearing. The informal conference procedure may be pursued as an alternative to, and simultaneous with, the adjudicatory hearing.

If you have questions specific to the violations or penalty, the most knowledgeable people on my staff regarding this matter are Kathelene Brainich, Environmental Protection Specialist, who can be reached at (303) 312-6481, or Peggy Livingston, Enforcement Attorney, who can be reached at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

*for* *Eddie A. Sierra*  
Carol Rushin  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

cc: WY DEQ (via email)  
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2005 AUG 31 PM 1:00

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF	)	
	)	
Sandy Crossing Enterprises, Inc.	)	
and Mani Grewal,	)	
Farson, Wyoming	)	Docket No. SDWA-08-2005-0050
	)	
Respondents	)	<b>COMPLAINT AND NOTICE OF</b>
	)	<b>OPPORTUNITY FOR HEARING</b>
Proceedings under section 1414(g)	)	
of the Safe Drinking Water Act,	)	
42 U.S.C. § 300g-3(g)	)	
	)	

**COMPLAINT**

This civil administrative Complaint and Notice of Opportunity for Hearing ("complaint") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by section 1414(g)(3) of the Safe Drinking Water Act, as amended (the "SDWA"), 42 U.S.C. § 300g-3(g)(3). Section 1414(g)(3) of the SDWA authorizes the Administrator of the EPA to assess an administrative civil penalty against any person who violates, or fails or refuses to comply with, an order issued under section 1414(g)(1) of the SDWA.

The complainant in this action is the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, EPA Region 8, who has been duly authorized to institute this action. This proceeding is subject to EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. part 22 ("Consolidated Rules of Practice")(Complainant's Attachment 1).

### **GENERAL ALLEGATIONS**

The following general allegations apply to each count of this complaint:

1. Sandy Crossing Enterprises, Inc. ("Respondent Sandy Crossing") is a corporation under the laws of the State of Wyoming as of April 7, 1978 and therefore a "person" within the meaning of section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. Mani Grewal ("Respondent Grewal"), also known as Manmohan Grewal, is an individual and therefore a "person" within the meaning of section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2. Respondent Grewal is a director of Respondent Sandy Crossing.
3. Respondents own and/or operate a system, the Sandy Crossing Enterprises, Inc. system (the "System"), located in Sweetwater County, Wyoming, for the provision to the public of piped water for human consumption.
4. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of section 1401(15) of the SDWA, 42 U.S.C. § 300f(15) and 40 C.F.R. § 141.2.
5. Each Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondents are therefore subject to

the requirements of part B of the SDWA, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141 (also known as the National Primary Drinking Water Regulations or NPDWRs).

6. The source of the System's water is three wells. The System serves an average of 80 persons daily through 75 service connections year-round.
7. On September 29, 2003, EPA issued an Administrative Order ("first Order") (Docket No. SDWA-08-2003-0070) to Respondent Grewal pursuant to section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1), citing violations of the NPDWRs, including requirements to monitor for total coliform bacteria and nitrate, and to notify EPA and the public of these violations. A copy of the first Order is attached to this complaint and incorporated herein (Complainant's Attachment 2).
8. The first Order was issued after the Respondents had failed to comply with requests, in letters from EPA dated March 12, 2003 and April 23, 2002, to provide public notice, as required by the NPDWRs, of the failures to conduct annual nitrate sampling for 2002 and to monitor in March 2002 for total coliform.
9. On December 30, 2003, EPA sent Respondent Grewal an "Administrative Order Violation" letter citing the failure to provide public notice of past failures to monitor, as directed by the first Order, the SDWA and the NPDWRs.  
(Complainant's Attachment 3.)

10. On September 20, 2004, EPA issued an Administrative Order (Docket No. SDWA-08-2004-0049, also known as the "second Order") to Respondent Sandy Crossing pursuant to section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1), citing additional violations of the NPDWRs, including failing to recommend or install corrosion control equipment after exceeding an action level for copper, exceeding the Maximum Contaminant Level (MCL) for total coliform bacteria in 2003, and failing to notify EPA and the public of violations. A copy of the second Order is attached to this complaint and incorporated herein (Complainant's Attachment 4).
11. The second Order was issued after the Respondents had failed to comply with a request in a letter from EPA dated October 2, 2003, to provide public notice, as required by the NPDWRs, of the September 2003 MCL violation.
12. On March 29, 2005, EPA sent Respondents an "Administrative Order Violation" letter asking that lead and copper results be submitted to EPA and that public notice of the September 2003 MCL violation be provided, as required by the second Order, the SDWA and the NPDWRs. (Complainant's Attachment 5.)
13. On March 29, 2005, EPA issued another Administrative Order (Docket No. SDWA-08-2005-0013, also known as the "third Order") to Respondent Sandy Crossing pursuant to section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1), citing additional violations of the NPDWRs, including failing to sample for pesticide/herbicide organic contaminants, failing to prepare and deliver a required Consumer Confidence Report for 2003 to its customers, failing to include

required information in a 2002 Consumer Confidence Report, and failing to report these violations to EPA. A copy of the third Order is attached to this complaint and incorporated herein (Complainant's Attachment 6).

### SPECIFIC ALLEGATIONS

#### **Count I**

#### **Failure to Monitor for Lead and Copper**

13. 40 C.F.R. § 141.86(d) requires community public water systems to monitor their water for two consecutive six-month periods to determine compliance with the action level for lead and copper as stated in 40 C.F.R. § 141.80(c).
14. Page 5 of the second Order, in paragraph 1 of the "Order" section, required Respondent Sandy Crossing to perform lead and copper monitoring first within 30 days of that order (i.e., by October 20, 2004) and again between January 1 and 15, 2005. It also required Respondent Sandy Crossing to report analytical results to EPA within the first 10 days following the end of each monitoring period, as required by 40 C.F.R. § 141.90(a). Paragraph 2 of the "Order" section of the second Order, beginning on page 6 of the second Order, required additional action if the monitoring results collected in either period exceeded the action level for lead and copper as stated in 40 C.F.R. § 141.80(c).
15. Respondent Sandy Crossing failed to monitor for lead and copper by October 20, 2004 and by January 15, 2005, in violation of the second Order. Respondents did monitor for lead and copper in April 2005.

**Count II**  
**Failure to Notify the Public**  
**of NPDWR Violations**

16. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any NPDWR violation, including any violation of monitoring requirements or testing procedures found in 40 C.F.R. part 141.
17. Pages 5-7 of the first Order, in paragraph 3 of the "Order" section, required Respondent Grewal, within thirty days of the effective date of the first Order, to provide a public notice for the violations specified in the first Order to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. The first Order specified acceptable methods for Respondent Grewal to give the public notice. The first Order also required Respondent Grewal to comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation and to submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).
18. Respondent Grewal failed to provide timely notice to the public of the failure to monitor for nitrate, of the MCL exceedance, and of the failure to sample for lead and copper, in violation of the first Order. Respondent Grewal also failed to submit copies of these public notices to EPA within the dates required, in violation of the first Order. In April 2005, Respondents did provide EPA with a copy of a public notice for all violations.

**Count III**  
**Failure to Report Noncompliance**  
**with NPDWRs to EPA**

19. 40 C.F.R. § 141.31(b) requires that, except where a different period is specified by 40 C.F.R. part 141, public water systems shall report any failure to comply with the NPDWRs (40 C.F.R. part 141) to EPA within 48 hours.
20. Page 7 of the first Order, in paragraph 4 of the "Order" section, required Respondent Grewal to comply with 40 C.F.R. § 141.31(b) by reporting to EPA any failure to comply with any NPDWR (40 C.F.R. part 141) within 48 hours.
21. Respondent Grewal failed to report to EPA the instances of noncompliance detailed in Counts I and II set forth above, in violation of the first Order.

**PROPOSED ADMINISTRATIVE CIVIL PENALTY**

Section 1414(g)(3) of the SDWA, 42 U.S.C. § 300g-3(g)(3), authorizes the Administrator to assess an administrative civil penalty of up to \$27,500<sup>1</sup> for violation of an administrative order issued under section 1414(g)(1) of the SDWA. The proposed penalty has been determined in accordance with section 1414 of the SDWA, 42 U.S.C. § 300g-3. For purposes of calculating a rational and consistent penalty proposed to be assessed, EPA has taken into account the seriousness of the violation, the population at risk, and other appropriate factors, including Respondents' degree of willfulness and/or negligence, history of noncompliance, if any, and ability to pay, as known to EPA at this time. Based on the above factors, EPA proposes to assess

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<sup>1</sup>The original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19.

an administrative civil penalty of \$1,200 against the Respondents for violations of two of the three Orders.

### **OPPORTUNITY TO REQUEST A HEARING**

As provided in section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), the Respondents have the right to request a public hearing on any material fact alleged in this complaint or on the appropriateness of the proposed penalty or to assert that it is entitled to judgment as a matter of law.

If Respondents wish to request a hearing, Respondents must file a written answer in accordance with 40 C.F.R. §§ 22.15 and 22.42 within thirty (30) calendar days after this complaint is served. If this complaint is served by mail, Respondents have an additional five (5) calendar days, pursuant to 40 C.F.R. § 22.7(c).

If either Respondent's answer requests a hearing, the procedures provided in 40 C.F.R. part 22, subpart I, will apply to the proceedings, and the Regional Judicial Officer will preside. However, Respondents have the right under the SDWA to elect a hearing on the record in accordance with section 554 of the Administrative Procedure Act, 5 U.S.C. §§ 551, et seq. ("APA"). To exercise this right, the answer for either Respondent must include a specific request for a hearing on the record in accordance with 5 U.S.C. § 554. Upon such request, the Regional Hearing Clerk will recaption the pleadings and documents in the record as necessary. (See 40 C.F.R. § 22.42.) Pursuant to such a request, subpart I will not apply to the proceedings and an Administrative Law Judge from Washington, D.C., will preside.

Any answer must be in writing. An original and one copy of the answer must be sent to the attorney listed below and the EPA Regional Hearing Clerk at the address below:

Tina Artemis  
Region 8 Hearing Clerk (8RC)  
U.S. Environmental Protection Agency  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

### **FAILURE TO FILE AN ANSWER**

To avoid entry of a default order against either Respondent pursuant to 40 C.F.R. § 22.17 for the full amount of the penalty proposed in this complaint, that Respondent must file a written answer with the Regional Hearing Clerk at the address above within thirty (30) days of receipt of this complaint. The answer should clearly and directly admit, deny, or explain each of the factual allegations contained in this complaint with regard to which the Respondent has any knowledge. The answer should state (1) the circumstances or arguments which are alleged to constitute grounds of defense, (2) a concise statement of the facts which the answering Respondent intends to place at issue in the hearing, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in this complaint shall constitute an admission of the allegation.

### **SETTLEMENT CONFERENCE**

EPA encourages the exploration of settlement possibilities through an informal settlement conference. Please note that a request for, scheduling of, or participation, in a settlement conference does not extend the period for filing an answer and request for hearing as set out above. The settlement process, however, may be pursued simultaneously with the administrative litigation procedures found in 40 C.F.R. part 22. If a settlement can be reached, its terms shall be expressed in a written consent agreement, signed by the parties and incorporated into a final order signed by the Presiding Officer. A request for a settlement conference, or any questions

Sandy Crossing Enterprises, Inc.  
Page 10 of 10

that Respondents may have regarding this complaint, should be directed to the attorney named below.

Dated this 30 day of August, 2005.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8

Complainant.

Eddie A. Sierra  
for Carol Rushin  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Margaret J. ("Peggy") Livingston  
Margaret J. ("Peggy") Livingston  
Enforcement Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice  
U.S. EPA Region 8  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466  
Telephone Number: (303) 312-6858  
Facsimile Number: (303) 312-6953

IN THE MATTER OF:

SANDY CROSSING ENTERPRISES, INC.  
AND MANI GREWAL

DOCKET NUMBER: SDWA-08-2005-0050

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and two copies (the second copy is a working copy for the Regional Judicial Officer) of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING with all Attachments were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 999 18th Street, Denver, Colorado, and that a true copy of the same was sent to each of the following:

Via CERTIFIED MAIL/RETURN RECEIPT REQUESTED to:

Lippa Pannu  
Registered Agent  
Sandy Crossing Enterprises, Inc.  
#4 Highway 28  
Farson, Wyoming 82932

and

Mani Grewal, Director  
Sandy Crossing Enterprises, Inc.  
POB 239  
Farson, WY 82932

Date: 8/31/05

By: Judith McTernan  
Judith McTernan

develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input to the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. This rule does not impose any enforceable duties on these entities. Instead, it merely revises the procedural rules governing EPA's administrative enforcement proceedings.

#### F. Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the E.O. 13045 because it is not "economically significant" as defined in E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

#### G. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the

development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

#### H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

#### I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 22

Environment protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Hazardous waste, Penalties, Pesticides and pests, Poison prevention, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: June 30, 1999.

Carol M. Browner,  
Administrator.

Therefore, 40 CFR part 22 is revised to read as follows:

### PART 22—COSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS

#### Subpart A—General

##### Sec.

- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 Ex parte discussion of proceeding.
- 22.9 Examination of documents filed.

#### Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

#### Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

#### Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

#### Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

#### Subpart F—Appeals and Administrative Review

- 22.29 Appeal from or review of interlocutory orders or rulings.
- 22.30 Appeal from or review of initial decision.

1st Page only

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

03 SEP 29 AM 10:26

IN THE MATTER OF )  
Mani Grewall, owner )  
Sandy Crossing Enterprises )  
Farson, Wyoming )

Respondent )

Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2003-0070**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act or SDWA), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Mani Grewall ("Respondent") is an individual and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, Sandy Crossing Enterprises Water System (the "System"), located in Sweetwater County, Wyoming for the provision to the public of piped water for human consumption.

3. Sandy Crossing Enterprises Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. §300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to an April 29, 2003 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of three wells. The system serves approximately 80 persons daily, during its year-round operational season through 75 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor their water annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondent failed to monitor for nitrate in 2002, in violation of 40 C.F.R. § 141.23(d).

II.

1. 40 C.F.R. § 141.21 requires the owner and/or operators of community public water systems to monitor their water at least once per month that the system is serving the public to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during March and June 2002, in violation of 40 C.F.R. § 141.21(a).

III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the MCL, maximum residual disinfection level ("MRDL"), treatment

technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.

2. Respondent has not provided public notice of the noncompliance detailed in the preceding Section II, in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.31(b) requires that public water systems shall report any failure to comply with the NPDWRs to EPA within 48 hours.
2. Respondent failed to report to EPA within 48 hours the instances of noncompliance described in Findings of Violation Sections I and III, in violation of 40 C.F.R. § 141.31(b).

V.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section II in violation of 40 C.F.R. § 141.21(g)(2).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Within 30 days of the effective date of this Order, and annually thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
2. Upon the effective date of this Order, Respondent shall comply with the total coliform monitoring requirements as stated in 40 C.F.R. § 141.21 to determine compliance with the total coliform MCL appearing at 40 C.F.R. § 141.63. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
3. No later than thirty days from the effective date of this Order, Respondent must provide public notice of the violations specified under the Findings of Violations in this Order to return to compliance with

40 C.F.R. §§ 141.201, 141.204 and 141.205.

Specifically, Respondent must provide public notice of the failure to monitor for contamination by total coliform bacteria in accordance with 40 C.F.R. § 141.204. Public Notice must be given by any one of the following methods: (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et

seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the System discovers the violation.
6. Reporting requirements specified in this Order shall be provided by certified mail to:

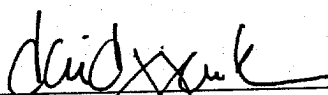
Jackson Naftel  
U. S. EPA Region 8 (8ENF-W)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

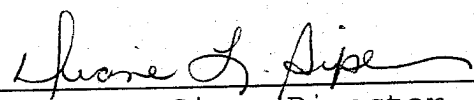
GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order, instituted under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A), may subject Respondent to an administrative civil penalty of up to \$25,000 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$27,500 per day of violation, assessed by a U.S. District Court, under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations, instituted under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of violation, assessed by an appropriate U.S. District Court, under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 29th day of September, 2003.

  
\_\_\_\_\_  
Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

  
\_\_\_\_\_  
Dianne L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

## Instructions for Monitoring Violations Annual Notice--Template 3-1

### Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

### After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for [System]

Our water system violated two drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During March of 2002 we did not monitor for Total Coliform. 2002 we did not monitor for Nitrate. Because of this we cannot be sure of the quality of our drinking water during these times.*

#### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant we did not properly test for during the last year, how often we are supposed to sample for this contaminant and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Total Coliform	1 sample every quarter that we are open	0	March 2002 June 2002	
Nitrate	1 sample every year	0	2002	

#### What happened? What is being done?

For more information, please contact: \_\_\_\_\_

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by Sandy Crossing Enterprises, ID#: WY560-0112. Date distributed: \_\_\_\_\_



## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

**Pollution Prevention Clearinghouse**  
<http://www.epa.gov/opptintr/library/ppicindex.htm>

**EPA's Small Business Ombudsman Hotline** can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone and Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

**EPA's Home Page**  
<http://www.epa.gov>

**Small Business Assistance Program**  
<http://www.epa.gov/ttn/sbap>

**Office of Enforcement and Compliance Assurance**  
<http://www.epa.gov/compliance>

**Compliance Assistance Home Page**  
<http://www.epa.gov/compliance/assistance>

**Office of Regulatory Enforcement**  
<http://www.epa.gov/compliance/civil/index.html>

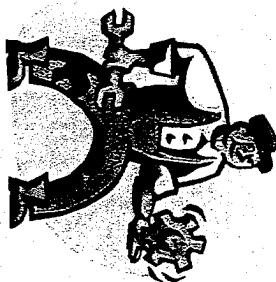
**Office of Site Remediation Enforcement**  
<http://www.epa.gov/compliance/cleanup>

**Innovative Programs for Environmental Performance**  
<http://www.epa.gov/partners>

**Small Business Ombudsman**  
[www.sba.gov/ombudsman](http://www.sba.gov/ombudsman)



## WHERE TO OBTAIN FUNDING IN WYOMING



Privately-owned drinking water supplies are regulated by the U.S. EPA and the State of Wyoming when 25 or more persons are served 60 or more days of the year.

At times, there is a need to repair or rehabilitate water supply facilities and equipment to protect public health and to comply with state or federal regulations.

Funding for privately-owned public water supplies is largely limited to direct loans from banks or loans guaranteed by two federal agencies. We offer some detail on the loan guarantee programs in this brochure to assist you in the search for funding to address your drinking water facility and equipment needs.

### The Small Business

#### Administration:

The U.S. Small Business Administration (SBA) may be able to help privately owned, for-profit businesses that own and operate water distribution systems. SBA provides financing for these businesses through local lenders utilizing SBA's guaranteed loan program (7a). SBA's portion of the final loan can be as large as \$1 million. This would allow a lender to offer a loan up to \$1.3 million with a 75 percent government guaranty. The SBA also partners with Small Business Development Centers (SBDC). These centers, located around Wyoming, help small businesses with accounting, marketing, cash flow and management issues. Descriptions of all SBA programs and preferred lenders can be obtained at SBA's website: [www.sba.gov](http://www.sba.gov)

Office location: Casper  
Phone: 307-261-6500  
Email: [shawyo@sba.gov](mailto:shawyo@sba.gov)  
SBDC: 800-348-5194

### The USDA Rural Development program:

The USDA Rural Development Program may be able to provide you with a loan guarantee up to \$10 million. There is a minimum 10 percent equity requirement. Be prepared to discuss current cash flow, and future cash-flow projections.

Further details are available at the website:  
[www.rurdev.usda.gov](http://www.rurdev.usda.gov)  
Office location: Casper  
Phone: 307-261-6320

Do you have questions about drinking water regulations? Please call:

USEPA: 1-800-227-8917 x6327  
WY DEQ: 307-777-7075  
WY Dept of Agriculture: 307-777-6587  
WY Dept. of Health: 307-777-7958  
WY State Engineer: 307-777-6164



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

03 DEC 29 PM 1:23

EPA REGION VIII  
SEALING CLERK

Ref: 8ENF-W

DEC 30 2003

Certified Mail  
Return Receipt Requested

Mani Grewall, Owner  
Sandy Crossing Enterprises  
P.O. Box 239  
Farson, Wyoming 82932

Re: Administrative Order Violation  
Docket No. SDWA-08-2003-0070  
PWS ID #WY5600112

Dear Mr. Grewall:

On September 29, 2003, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2003-0070, ordering Sandy Crossing Enterprises ("the System") to comply with the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. Part 141.

Our records indicate that the System is in violation of the Administrative Order ("the Order"). The Order required the System to:

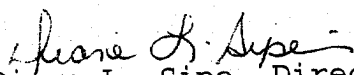
1. Comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) no later than October 28, 2003 to determine compliance with the nitrate maximum contaminant level (MCL) appearing at 40 C.F.R. § 141.62(b). Respondent was to report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a).

EPA has not received nitrate monitoring results for 2003. If you have monitoring results for 2003, submit them to EPA immediately. If you have not yet sampled for nitrate, take the samples immediately and send a copy of the results to EPA.



We urge your prompt attention to this matter.

Sincerely,

  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environment Justice

cc: Larry Robinson, WY DEQ  
Dr. Karl Musgrave, WDH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2004 SEP 20 AM 10:57

IN THE MATTER OF )

Sandy Crossing Enterprises, Inc. )  
Farson, Wyoming )

Respondent )

Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

FILED  
EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2004-0049

The following Findings are made and Order is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Sandy Crossing Enterprises, Inc. (Respondent) is a corporation and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, Sandy Crossing Enterprises Water System (the System), located in Sweetwater County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25

year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to an April 29, 2003 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of three wells. The system serves approximately 80 persons daily, during its year-round operational season through 75 service connections.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.81(e) requires community public water systems that exceed the lead or copper action level to recommend treatment for corrosion control within six months of exceeding the lead or copper action level, and to install optimum corrosion control treatment

- within 24 months after EPA designates such treatment.
2. Respondent has not recommended treatment for corrosion control after monitoring results exceeded the copper action level in 1994 and 1995, nor have they installed corrosion control treatment, and, therefore, has been in continuous violation of 40 C.F.R. § 141.81(e) from 1994 to the present.

II.

1. 40 C.F.R. § 141.21 requires community public water systems to monitor their water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during September 2003 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of

public water systems to notify the public of any national primary drinking water regulation (NPDWR) violations, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.

2. Respondent has not provided public notice of the noncompliance detailed in the preceding Section II in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violation detailed in Section II, in violation of 40 C.F.R. § 141.21(g)(1).

V.

1. 40 C.F.R. § 141.31(b) requires that public water systems report any failure to comply with the NPDWRs to EPA within 48 hours.
2. Respondent failed to report to EPA within 48 hours the instances of noncompliance detailed in Section III, in

violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. In order to obtain current data on the levels of lead and copper in the water system, within 30 days of the date of this Order and again between January 1 - 15, 2005, Respondent shall comply with the requirements as specified in the Safe Drinking Water Act and 40 C.F.R. Part I (Control of Lead and Copper). Respondent shall:
  - (a) Collect 5 samples that are first-draw, one-liter in volume, and have stood motionless in the plumbing system for at least 6 hours in accordance with 40 C.F.R. § 141.86(b) at sampling sites selected in accordance with 40 C.F.R. § 141.86(a);
  - (b) Have samples analyzed by an EPA-certified laboratory, in accordance with 40 C.F.R. § 141.90;
  - (c) Report the results of the tap water monitoring to EPA within 10 days of receiving the results, including:
    - i. the location of each site and criteria under which the site was selected for the system's sampling pool;
    - ii. certification that each first draw sample

collected is one-liter in volume, and to the best of the certifying individual's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least 6 hours;

iii. where residents collected the samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in 40 C.F.R.

§ 141.86(b)(2);

iv. the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period calculated in accordance with 40 C.F.R. § 141.80(c)(3).

2. If the monitoring results collected in either monitoring period required in paragraph 1 of this Order exceed the action level for lead or copper as set forth in 40 C.F.R. § 141.80(c), Respondent shall, within two weeks of exceeding the action level, comply with all the requirements for water quality parameter (WQP) monitoring and reporting as specified in 40 C.F.R. §§ 141.87, 141.89, and 141.90 and for source water

monitoring and reporting as specified in 40 C.F.R.

§§ 141.88, 141.89, and 141.90. Respondent shall report results to EPA within 10 days of receiving the results.

Respondent shall:

- (a) Collect 2 tap samples at 1 site that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. § 141.87(a)(1)(i) and § 141.87(a)(2)(i). Respondent may collect WQPs at the same locations as those used for coliform sampling under 40 C.F.R. § 141.21.
- (b) Collect 2 samples for each applicable WQP at each entry point(s) to the distribution system that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. § 141.87(a)(1)(ii) and § 141.87(a)(2)(ii). The applicable WQPs are specified in 40 C.F.R. § 141.87(b) and are:
  - i. pH
  - ii. alkalinity
  - iii. orthophosphate (when an inhibitor containing a phosphate compound is used)
  - iv. silica (when an inhibitor containing a silicate compound is used)

- v. calcium
- vi. conductivity, and
- vii. water temperature

(c) Collect one source water sample from each entry point to the distribution system, in accordance with 40 C.F.R. §§ 141.88(a) and (b).

(d) Have samples analyzed by an EPA-certified laboratory, in accordance with 40 C.F.R. § 141.89.

3. If the monitoring results collected in either monitoring period required in paragraph 1 of this Order exceed the action level for lead or copper as set forth in 40 C.F.R. § 141.80(c), Respondent shall, within six weeks of exceeding the action level, provide optimal corrosion control and source water treatment recommendations to EPA. Within four months of obtaining EPA's approval of the treatment recommendations, Respondent shall have optimal corrosion control and, if applicable, source water treatment installed. Within one week of project completion, Respondent shall notify EPA in writing that the project is complete.
4. After installation of optimal corrosion control treatment as outlined in paragraph 3 above, Respondent shall collect 5 tap samples during each two consecutive

6-month monitoring periods (January-June and July-December) immediately following treatment installation, in accordance with 40 C.F.R. Part I and as outlined in paragraph 1(a) through (c) above. Respondent shall report the results of the tap water monitoring to EPA for lead and copper within 10 days following the end of each monitoring period, in accordance with 40 C.F.R. § 141.90(a). The System must also continue WQP monitoring during these periods as follows: a) two samples must be collected at one site in the distribution system during each 6-month monitoring period AND 2) one sample must be collected at each entry point to the distribution system every two weeks. Respondent shall submit monitoring results to EPA within 10 days of receiving the results.

5. If the System meets the lead and copper action levels during both monitoring periods in paragraph 4 above, the frequency and number of tap samples will be reduced and the System may discontinue WQP monitoring. If the System exceeds the lead or copper action level during either monitoring period following treatment installation, EPA will, based upon the WQP results collected during the twelve month period in paragraph 4 above, establish WQP values the System must meet in all

subsequent monitoring periods to remain in compliance.

6. As of the effective date of this Order, Respondent shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63.
- 7.. No later than November 1, 2004, Respondent must comply with the public notice requirements set forth at 40 C.F.R. § 141.201 et seq. to return to compliance with 40 C.F.R. §§ 141.201, 141.204, and 141.205. Specifically, Respondent must provide public notice of the total coliform MCL violation in accordance with 40 C.F.R. § 141.204. Public Notice must be given by the following methods: (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the

violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

8. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
9. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
10. Reporting requirements specified in this Order shall be provided by certified mail to

U. S. EPA Region 8 (8P-W-MS)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 per day of violation, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the Act or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 20<sup>th</sup> day of September, 2004.

David R. L. for M. Risner

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Diane L. Sipe

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

COMPLAINANT'S  
ATTACHMENT 5

REGION 8

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466

<http://www.epa.gov/region08>

MAR 29 2005

2005 MAR 29 AM 8:35

Ref: 8ENF-W

CERTIFIED MAIL 7003 2260 0001 7779 1893  
RETURN RECEIPT REQUESTED

FILED  
EPA REGION VIII  
HEARING CLERK

Mani Grewal, Director  
Sandy Crossing Enterprises, Inc.  
POB 239  
Farson, WY 82932

Re: Administrative Order Violation  
Docket No. SDWA-08-2004-0049  
PWS ID #5600112

Dear Mr. Grewal:

On September 20, 2004, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2004-0049, ordering Sandy Crossing Enterprises, Inc. ("Sandy Crossing") to comply with the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. Part 141.

Our records indicate that Sandy Crossing is in violation of the Administrative Order ("the Order"). Among other things, the Order included the following requirement:

Within 30 days of the date of the Order and again between January 1-15, 2005, Respondent [Sandy Crossing] shall comply with the requirements as specified in the Safe Drinking Water Act and 40 C.F.R. Part I (Control of Lead and Copper). Respondent shall collect 5 samples and have the samples analyzed by an EPA-certified laboratory. Respondent shall report the results of the tap water monitoring to EPA within 10 days of receiving the results.

EPA has not received lead and copper monitoring results for October 2004 or for January 2005. **If monitoring has been performed, submit results to EPA immediately. If you have not yet sampled for lead and copper, take the samples immediately and send a copy of the results to EPA immediately.**

The Order also included this requirement:



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No later than November 1, 2004, Respondent must comply with the public notice requirements as set forth at 40 C.F.R. § 141.201 et seq. to return to compliance with 40 C.F.R. §§ 141.201, 141.204, 141.205. Specifically, Respondent must provide public notice of the September 2003 total coliform maximum contaminant level violation.

**EPA has not received evidence of public notice being performed. Public notice must be accomplished immediately and a signed copy sent to EPA.**

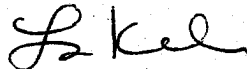
EPA is considering additional enforcement action as a result of your non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 per day per violation of the Order, and/or (2) a court injunction ordering you to comply.

If you have any questions you may contact Kathelene Brainich at (303) 312-6481. If you are represented by an attorney, please ask your attorney to direct any legal questions to Peggy Livingston, Enforcement Attorney, at (303) 312-6858 or at the following address:

Peggy Livingston, Enforcement Attorney  
U.S. EPA, Region 8 (8-ENF-L)  
999 18<sup>th</sup> Street, Suite 300  
Denver, Colorado 80202-2466

We urge your prompt attention to this matter.

Sincerely,



Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: Lippa Pannu, Sandy Crossing Enterprises, Inc.  
Dr. David Barber, WY DOH (via email)  
Dr. Tracy Murphy, WY DOH (via email)  
Dr. Brent Sherard, WY DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF )  
 )  
Sandy Crossing Enterprises, Inc. )  
Farson, Wyoming )  
 )  
Respondent )  
 )  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. §300g-3(g) )

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FILED  
EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2005-0013

The following Findings are made and Order is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Sandy Crossing Enterprises, Inc. (Respondent) is a corporation and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Sandy Crossing Enterprises Water System (the System), located in Sweetwater County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water

- system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
  5. According to an April 29, 2003 sanitary survey by an agent for EPA, the System is supplied solely by a ground water source consisting of three wells. The System serves approximately 80 persons per day through 75 service connections and is operational year-round.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.24(h) requires all community and non-transient, non-community water systems to conduct sampling of their water during each three-year compliance period to determine compliance with the maximum contaminant levels (MCLs) for pesticide/herbicide organic contaminants as stated in 40 C.F.R. § 141.61(c).
2. Respondent failed to monitor the System's water for pesticide/ herbicide organic contaminants in the

compliance period of 2002-2004, in violation of  
40 C.F.R. § 141.24(h).

II.

1. 40 C.F.R. § 141.151-155 require community water systems to prepare and deliver an annual Consumer Confidence Report (CCR) to their customers by July 1<sup>st</sup> each year.
2. Respondent failed to prepare and deliver a 2003 CCR, in violation of § 141.152-155.

III.

1. 40 C.F.R. § 141.151-155 require community water systems to prepare and deliver an annual Consumer Confidence Report (CCR) to their customers by July 1<sup>st</sup> each year.
2. 40 C.F.R. § 141.153(f) requires the CCR to note any violations that occurred during the year covered by the report and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.
3. Respondent failed to include violation information in its 2002 CCR concerning the failure to install corrosion control treatment due to a copper action level exceedance and failure to monitor for nitrate and bacteriological quality (March and June), in violation of 40 C.F.R. § 141.153(f).

IV.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary

Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

2. Respondent failed to report to EPA the noncompliance detailed in Sections I through III, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Within 30 days of the date of this Order, and according to the regulations thereafter, Respondent shall comply with the organic chemicals monitoring requirements as stated in 40 C.F.R. §141.24(h) to determine compliance with the MCLs for pesticide/herbicide organic contaminants appearing at 40 C.F.R. § 141.61. Respondent shall report analytical results to EPA within the first 10 days following the month which results are received, as required by 40 C.F.R. § 141.31(a).
2. Within 30 days of the effective date of this Order, Respondent shall prepare a 2003 CCR summarizing drinking water information from January through December 2003 and deliver the report to the System's customers, in accordance with 40 C.F.R. §§ 141.152-155. The CCR shall identify the 2003 failure to monitor for nitrate, failure to install corrosion control, and

August 2003 bacteriological MCL violations in both the table and the first sentence in the paragraph below the table. It shall also describe the potential adverse health effects and actions taken by the system to address the violations. Respondent shall provide EPA a copy of the CCR along with a certification of the date and method of distribution of the CCR to the System's customers no later than 10 days after distribution. Respondent shall prepare and deliver future CCRs that comply with the requirements at 40 C.F.R. §§ 141.151-155.

3. Within 30 days of the effective date of this Order, Respondent shall revise the 2002 CCR summarizing drinking water information from January through December 2002 and deliver the report to the System's customers, in accordance with 40 C.F.R. §§ 141.151-155. The 2002 CCR will include a cover letter with an explanation that the 2002 CCR is a corrected copy of the report sent in 2003. The CCR shall identify the failure to install corrosion control and the failure to monitor nitrate and bacteriological quality violations in both the table and the first sentence in the paragraph below the table. It shall also describe the potential adverse health effects of copper and the actions taken by the system to address the violations.

- Respondent shall provide EPA a copy of the CCR along with a certification of the date and method of distribution of the CCR to the System's customers no later than 10 days after distribution.
4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
  5. Reporting requirements specified in this Order shall be provided by certified mail to:

Kathelene Brainich  
U. S. EPA Region VIII (8ENF-T)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

#### GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 per day of violation, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B),

or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 29<sup>th</sup> day of march, 2005.

Michael T. Risner  
Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Diane L. Sipe  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice